

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

OP.No. 6504 of 2000(Y)

PETITIONER:

**BIJUKUMAR, S/O.PURUSHOTHAMAN,
MATTAMPARAMBATH HOUSE,
KUMBALAM, KANAYANNOOR TALUK,
ERNAKULAM.**

BY ADV. SRI.N.RATHEESH

RESPONDENTS:

- 1. THE SECRETARY TO GOVERNMENT,
FISHERIES AND PORTS DEPARTMENT,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. DEPUTY DIRECTOR OF FISHERIES,
OFFICE OF THE DEPUTY DIRECTOR OF FISHERIES, ERNAKULAM.**
- 3. V.DINAKARAN, GENERAL SECRETARY,
AKHILA KERALA DHEEVARA SABHA, PUNNAPRA P.O.,
ALAPPUZHA.**
- 4. MATTAMPARAMBATH OONNI SANGHAM,
KUMBALAM, ERNAKULAM, REP. BY SECRETARY.**
- 5. STATE OF KERALA, REPRESENTED BY COMMISSIONER
AND SECRETARY, DEPARTMENT OF FISHERIES,
SECRETARIAT, THIRUVANANTHAPURAM.**

BY ADV. SRI.N.N.SUGUNAPALAN (SR.) for R4

BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL for R1,R2 & R5

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 04/09/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON C.M.P.NO.10904/2000 IN O.P.NO.6504/2000 Y

DISMISSED

4/09/2007

SD/- ANTONY DOMINIC, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF THE GAZETTE NOTIFICATION DTD. 27/02/96.**
- EXT.P2: COPY OF THE PROCEEDINGS NO.B1 2525/95 DTD.11/05/1996 OF THE DY.DIRECTOR OF FISHERIES (ZONAL) ERNAKULAM.**
- EXT.P3: COPY OF THE CERTIFICATE OF THE PATTA IN FAVOUR OF THE PETITIONER ALLOTING AN OONNI DTD. 11/05/96.**
- EXT.P4: COPY OF THE FEE RECEIPT DTD. 6/06/96 AND 6/07/98 ISSUED FROM THE OFFICE OF THE SUB INSPECTOR OF FISHERIES.**
- EXT.P5: COPY OF THE STAY ORDER NO.5994/C2/96/P&D PASSED BY THE 1ST RESPONDENT DTD. 21/06/1996.**
- EXT.P6; COPY OF THE JUDGMENT IN O.P.12003/1997 OF HIGH COURT OF KERALA DTD. 16/03/99.**
- EXT.P7: COPY OF THE LETTER DTD. 2/06/1999 ISSUED BY THE PETITIONER TO THE RESPONDENT NO.1.**
- EXT.P8: COPY OF THE JUDGMENT IN O.P.NO.14605/99 OF HIGH COURT OF KERALA DTD. 17/06/1999.**
- EXT.P9: COPY OF THE ORDER DTD. 12/11/99 ISSUED BY THE 1ST RESPONDENT ORDER NO.G.O.RT.NO.52/99/F&PD.**

/TRUE COPY/

P.A.TO JUDGE

KSS

ANTONY DOMINIC,J.

O.P. No. 6504 of 2000

Dated this the 4th day of September, 2007

J U D G M E N T

The prayer in this writ petition is to quash Exhibit-P9 order passed by the 1st respondent cancelling the sanction issued by the 2nd respondent to the petitioner for installing a stakenet at Mattamparambath stakenet line by transfer from ramped stake line. Initially, sanction was granted by the 2nd respondent by his order dated 11.5.1996 and that was stayed by the 1st respondent on a complaint made by the Secretary of Samagra Pradeep Sabha, Kumbalam, Kochi. By the Judgment of this court in O.P. No. 14605 of 1999 the 1st respondent was directed to pass appropriate orders on a representation made by the petitioner seeking to get the stay vacated and it is pursuant to that judgment, Exhibit P9 order has been passed.

2. In the order except saying that sanction initially granted by the 2nd respondent “ is illegal” and against the policy of the Government, the order does not give any reason for cancellation of the sanction. Order is not a speaking order and does not contain any reason in support of the conclusions. Thus, for non-application of mind by the 1st respondent, Exhibit-P9

order requires to be set aside and I do so.

3. Accordingly, I direct the 1st respondent to consider and pass orders on Exhibit-P7 representation of the petitioner, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

(ANTONY DOMINIC, JUDGE)

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/True copy/

P.A to Judge

O.P. No. 6504 of 2000

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007